

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Canceled).

Claim 2 (Currently Amended): The multi-layered optical disk according to claim-1 ~~13~~, wherein a range of the second recordable zone is defined based on the beam spot formed on the second recording layer by the light beam which is focused on the outside of an outer peripheral edge of the non-erasable information zone in the first recording layer.

Claim 3 (Currently Amended): The multi-layered optical disk according to claim-1 ~~13~~, wherein the outer peripheral edge is determined based on estimating a sum of a radius of a beam spot formed by the focusing light beam on the second recording layer and allowable eccentricity between the first recording layer and second recording layer.

Claim 4 (Currently Amended): The multi-layered optical disk according to claim-1 ~~13~~, wherein a guide groove is formed in the first recordable zone, the second recordable ~~zones~~ zone and the non-erasable information zone.

Claim 5 (Currently Amended): The multi-layered optical disk according to claim-1 ~~13~~, wherein the non-recording zone on the second recording layer is larger than the non-erasable information zone of the first recording layer.

Claim 6 (Currently Amended): The multi-layered optical disk according to claim-1 ~~13~~, wherein invalid information is recorded on the non-recording zone on the second recording layer ~~is used as a recording zone of invalid information.~~

Claim 7 (Original): The multi-layered optical disk according to claim 6, wherein the invalid information includes at least one of test recording, synchronous pattern, and buffering effect.

Claim 8 (Currently Amended): The multi-layered optical disk according to claim ~~4~~ 13, wherein the first recording layer is disposed at ~~the~~ an incidence side of the focused light beam and the light beam passing through the first recording layer is incident on the second recording layer.

Claim 9 (Currently Amended): The multi-layered optical disk according to claim ~~4~~ 13, wherein information on the non-erasable information zone includes an address for specifying the non-recording zone on the second recording layer.

Claim 10 (Currently Amended): The multi-layered optical disk according to claim ~~4~~ 13, wherein the second recording layer is disposed at the incidence side of the focused light beam and the light beam passing through the second recording layer is incident on the first recording layer.

Claim 11 (Currently Amended): The multi-layered optical disk according to claim ~~4~~ 13, wherein the non-erasable information zone is disposed in a lead-in area or a lead-out area of the optical disk.

Claim 12 (Canceled).

Claim 13 (New): A multi-layered optical disk having an inner peripheral side and an outer peripheral side, to which information is recorded with a focused light beam, comprising:

a transparent substrate; and

a first recording layer and a second recording layer faced to each other and supported by the transparent substrate,

the first recording layer having a non-erasable information zone on which a pit array of non-erasable information is formed and a first recordable zone on which a first recording mark array is formed with an irradiation of the focused light beam passing through the transparent substrate, and the second recording layer having a non-recording zone on which information data is prevented from being recorded and a second recordable zone on which a second recording mark array is formed with the irradiation of the focused light beam, wherein

the pit array includes a first pit array of invalid information and a second pit array of valid information which are arranged between the inner peripheral side,

the non-recording zone is so arranged at the inner peripheral side as to face the non-erasable information zone and includes an illumination region on which a beam spot is formed by the light beam focused on the non-erasable information zone, and

the second recordable zone is arranged between the non-recording zone and the outer peripheral side.

Claim 14 (New): A recording/reproducing apparatus for reproducing information from and recording information on a multi-layered optical disk comprising:

a light beam unit configured to generate a focused light beam on the multi-layered optical disk, the multi-layered optical disk having an inner peripheral side and an outer peripheral side, which includes,

a transparent substrate,

a first recording layer and a second recording layer faced to each other and supported by the transparent substrate,

the first recording layer having a non-erasable information zone on which a pit array of non-erasable information is formed and a first recordable zone on which a first recording mark array is formed with an irradiation of the focused light beam passing through the transparent substrate, and the second recording layer having a non-recording zone on which information data is prevented from being recorded and a second recordable zone on which a second recording mark array is formed with the irradiation of the focused light beam, wherein

the pit array includes a first pit array of invalid information and a second pit array of valid information including address information for specifying the non-recording zone on the second recording layer,

the first and second pit arrays being arranged between the inner peripheral side,

the non-recording zone is so arranged at the inner peripheral side as to face to the non-erasable information zone and includes an illumination region on which a beam spot is formed by the light beam focused on the non-erasable information zone, and

the second recordable zone is arranged between the non-recording zone and the outer peripheral side; and

a control unit configured to control reading of information on the non-erasable information zone and recording of data on the first and second recording layer to prevent information data from being recorded on the non-recording zone based on the address information.